



THE CITY OF NEW YORK  
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July 9, 2010

**BY ECF**

The Honorable Ramon E. Reyes  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Claudia Bova v. City of New York, et al., 09-CV-5436 (ENV)(RER)

Your Honor:

I am an attorney in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, and represent defendant City of New York in the above-referenced matter. I write to apprise the Court of the status of the pending NYPD Departmental Trial against defendant Charles Derosalia. I further write to apprise the Court of the status of defendant Derosalia's representation in this matter. Finally, I write to respectfully request that discovery be stayed pending the resolution of the NYPD Departmental Trial.

As an initial matter, upon information and belief, the NYPD trial has been adjourned until September 13, 2010, and no further adjournments are expected. The trial is anticipated to last two days.

As the Court may recall, the NYPD trial will include testimony and evidence about plaintiff Claudia Bova's allegations against Derosalia that are the subject of this lawsuit. Indeed, plaintiff Bova is expected to testify at the Departmental trial. As such, this office cannot determine whether it will represent defendant Derosalia until after the Departmental trial is concluded and his charges are adjudicated. *See generally* G.M.L. §50(k). Accordingly, at this time, defendant Derosalia is being represented by James Moschella, Esq., of Karasyk & Moschella, LLP.

Defendant City respectfully requests that discovery in this matter be stayed until the conclusion of the NYPD trial for the foregoing reasons. The majority of the relevant documents, such as the Department Advocate file, will be unavailable to the parties until the conclusion of

the Departmental trial. As such, discovery cannot proceed efficiently until the conclusion of the trial. Moreover, as set forth above, this office cannot determine representation of defendant Derosalia until his charges have been adjudicated. I have conferred with plaintiff's counsel, Ms. Nicole Bellina, and defendant Derosalia's current counsel, Mr. Moschella, and they consent to this request.

In the interim, defendant City has agreed to produce criminal court documents and the Kings County District Attorney's File to plaintiff Bova regarding her underlying arrest to the extent that these documents do not contain information that would compromise the Departmental trial. In addition, defendant City and plaintiff Bova have begun to engage in settlement discussions.

In light of the above, defendant City respectfully requests that the Court stay discovery until the conclusion of the NYPD Departmental Trial on or about September 14, 2010.

Thank you in advance for your consideration herein.

Respectfully submitted,

/s/

Prathyusha Reddy  
Senior Counsel

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